

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDDIE WISE, on Behalf of Himself and Others
Similarly Situated,

05 Civ. 5442 (SAS)

Plaintiffs,

**STIPULATION AND
ORDER**

– against –

RAYMOND W. KELLY, Commissioner of the
New York City Police Department (NYPD);
et al.,

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for

plaintiff Eddie Wise and defendants Jonathan Lippman, Judith Kaye and Chauncey J. Parker

("the State Defendants") that the State Defendants withdraw their pending motion to dismiss,


without prejudice and with leave to re-file.

Dated: September 28, 2005
New York, New York

ELIOT SPITZER,
Attorney General of the State of New York

EMERY CELLI BRINCKERHOFF
& ABADY LLP

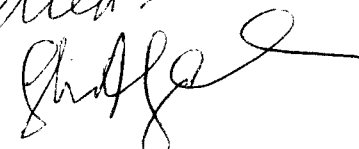
By: _____
Monica Connell
Assistant Attorney General
120 Broadway, 24th Floor
New York, New York 10038
(212) 416-8965

By: 
Matthew D. Brinckerhoff (MB-3552)
Katherine Rosenfeld (KR-8525)
545 Madison Avenue, 3rd Floor
New York, New York 10022
(212) 763-5000

Attorneys for the State Defendants

THE BRONX DEFENDERS
J. McGregor Smyth (JS 9995)

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So Ordered:

U.S.D. of
10/6/05

SEP. 29. 2005 10:20AM

ECCBA LLP

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Matthew D. Brinckerhoff (MB-3552)
Richard A. Rosenthal (RR-8525)
545 Madison Avenue, 3rd Floor
New York, New York 10022
(212) 769-5000

THE BRONX DEFENDERS
J. McGinley Smyth (JS 9993)

WALSH/VERDOLIN, LLP